

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

**CIVIL NO. 2:07CV20-02
(2:06CR6-1)**

TIMOTHY O. BENNETT,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

THIS MATTER is before the Court on Petitioner's motion for reconsideration and to alter the Court's Judgment pursuant to Fed. R. Civ. P. 59(e). The motion is denied.

First, Petitioner's motion to reconsider attempts to rehash issues the Court specifically addressed and rejected in the Memorandum and Order denying Petitioner's § 2255 motion. The Petitioner has failed to set forth any reason why such earlier determinations should be disturbed.

Second, Petitioner's brand-new, free-standing allegations -- that his attorney failed to review his presentence report and to challenge the amount of marijuana plants which were attributed to him -- constitute

unauthorized successive claims upon which this Court has no jurisdiction to rule. *See United States v. Winestock*, 340 F.3d 200, 206 (4th Cir.), *cert. denied*, 540 U.S. 995 (2003) (holding that “district courts must treat [motions for reconsideration] as successive collateral review applications when failing to do so would allow the applicant to ‘evade . . . the bar against litigation of claims not presented in a prior application.’”).

IT IS, THEREFORE, ORDERED that the Petitioner’s motion to reconsider and alter Judgment is hereby **DENIED**.

Signed: January 18, 2008

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

